

DEPT OF PUBLIC SAFETY
CORRESPONDENCE CONTROL

LOG NO. 2020 - 785

CRCO 5/7/2020

GOV. Referral No.: _____

DIR Suspense: _____

SUBJECT:

- 1) ~~REQUEST TO INITIATE CRCO ORG CHANGE DUE TO DOJ/PSD SETTLEMENT AGREEMENT OF 03/13/2019~~
- 2) FINAL APPROVAL REQUEST FOR ORGANIZATIONAL/FUNCTIONAL STATEMENT CHANGE TO CRC

TO: DIR _____ DIR DEP-A *W* _____ CRC _____
THRU: ASO-PR MATT _____ BMO *W* _____ AASO-O ROSS _____
FROM: CRC _____ ASO-PR MATT *W* _____ BMO _____
DATE: 2/28/2020 3/2/2020 3/4

____ INFO ONLY
____ PLEASE SEE ME
____ COMMENTS & RECOMMENDATIONS
☒ APPROPRIATE ACTION
____ REPLY FOR _____ SIGNATURE
____ RECOMMENDED APPROVAL/DISAPPROVAL
☒ PLEASE SIGN /INITIAL
____ FAXED TO _____ Date: _____
____ COPIES GIVEN TO: _____

CROSS REF. NO.:

REMARKS:

- Please see my attachment RN 3.3.2020

3/4: CRCO to revise request based on ASO-O \$ amount. Return request to CRCO. CRCO to request DIR for additional funds to cover increase in payroll cost.

FILE DESIGNATION: _____

DATE RETURNED: _____ DATE MAILED OUT: _____

PSD 1008 (11/04/1998)

[COMPUTER GENERATED FORM]

LOG NO. 2020 - 785

Please see my revised attachment 4.6.2020

4/27/2020-

(DAH)


Returned to CRCO by Shelley Harrington. PERS is done w/ review. send up to Tessie for checklist signatures/initials needed.

Suspense: _____

March 3, 2020

TO: Nolan P. Espinda, Director

THROUGH: Teresita V. Fernandez, Business Management Officer
Maria C. Cook, Deputy Director of Administration

FROM: Oscar A. Hernandez, Civil Rights Compliance Officer 

SUBJECT: FINAL APPROVAL REQUEST FOR ORGANIZATIONAL AND
FUNCTIONAL STATEMENT CHANGE TO CIVIL RIGHTS
COMPLIANCE OFFICE (CRCO)

In accordance with the State of Hawaii Administrative Directive 19-02, *Effecting Organizational and Functional Statement Change*, request **Final** approval of a change to the organization or functional statement of the *[program structure segments]* to reflect the change/creation/relocation of *[positions or function]*.

MAJOR PROGRAM SEGMENTS AND FUNCTIONS AFFECTED:

The Department of Public Safety and the U.S. Department of Justice (DOJ) entered into a settlement agreement, signed on March 13, 2019. Given the settlement agreement, the Department of Public Safety's (PSD) Civil Rights Compliance Office (CRCO) was tasked administrative responsibility to oversee compliance of PSD's correctional facilities under the Americans with Disabilities Act (ADA). This agreement included the designation of a statewide ADA coordinator to coordinate PSD's efforts to comply with and carry out its responsibilities under the agreement. Given the complexity of responsibilities required of a newly designated statewide ADA Coordinator, an additional Civil Rights Specialist position was requested and granted by the Hawaii State Legislature: PSD 900 Civil Rights Specialist position (Pseudo No. 90905). This position is to be hired at the SR-24 level.

This new permanent-hire staff will be under the direction of the Civil Rights Compliance Officer (position no. 40749), currently PSD 900 Civil Rights Specialist V (SR-24). As the new Civil Rights Specialist is to be hired at SR-24, necessitates the proposed variances of the current Civil Rights Compliance Officer from SR-24 to SR-26; and the current Civil Rights Specialists IV (position nos. 37751 and 32050) to Civil Rights Specialists V.

Since March 13, 2019, Position Number 90905 has been temporarily staffed with reassigned staff under the supervision of the Civil Rights Specialist V (No. 40749). This was necessary to immediately initiate and maintain compliance with the PSD/DOJ settlement agreement.

POSITIONS AFFECTED:

| <u>Position Number</u> | <u>Current Classification</u> | <u>Budget Salary</u> | <u>BU</u> | <u>FTE</u> | <u>Vacant/Filled</u> |
|------------------------|-------------------------------|----------------------|-----------|------------|----------------------|
| 40749 | Civil Rights Spec. V | \$67,044.00 | 73 | 1.0 | Filled |
| 37751 | Civil Rights Spec. IV | \$57,324.00 | 73 | 1.0 | Filled |
| 32050 | Civil Rights Spec. IV | \$55,092.00 | 73 | 1.0 | Vacant |
| 44167 | Office Assistant III | \$30,240.00 | 63 | 1.0 | Vacant |
| 90905 (pseudo) | Civil Rights Spec. V | \$57,324.00 | 73 | 1.0 | Vacant |

1. Introduction:

The Department of Public Safety and the U.S. Department of Justice (DOJ) entered into a settlement agreement on March 13, 2019. Among stipulations in the agreement include PSD designate a statewide ADA Coordinator to oversee compliance of PSD's correctional facilities with ADA. This stipulation prompts the need to hire an additional Civil Rights Specialist to be tasked with statewide implementation and continued compliance with ADA per the settlement agreement; consequently the need to reorganize PSD's CRCO.

2. Description of the Proposed Changes:

This new permanent-hire staff will be under the direction of the Civil Rights Compliance Officer (position no. 40749), currently PSD 900 Civil Rights Specialist V (SR-24). As the new Civil Rights Specialist is to be hired at SR-24, necessitates the proposed variances of the current Civil Rights Compliance Officer from SR-24 to SR-26; and the current Civil Rights Specialists IV (position nos. 37751 and 32050) from SR-22 to SR-24 Civil Rights Specialists V. Inclusively, because the Office Assistant III (position no. 44167) is organizationally linked with the Civil Rights Specialist V (position no. 40749), requires upward variance to SR-12.

3. The rationale for changes:

In June 2017 and October 2017, the U.S. Department of Justice (DOJ) conducted inspections of the Department of Public Safety's (PSD) correctional facilities on the islands of Hawaii and Oahu. Since the DOJ visits, PSD initiated proactive efforts to bring inmate services and programs into compliance with the Americans with Disabilities Act (ADA), including correctional facilities' accessibility to ADA standards.

A settlement agreement between PSD and DOJ was signed on March 13, 2019. Among stipulations in the agreement include PSD designate a statewide ADA Coordinator to oversee compliance of PSD's correctional facilities with ADA. This stipulation prompts the need to hire an additional Civil Rights Specialist to be tasked

with the implementation and continued compliance with ADA per the settlement agreement; and consequently the need to reorganize PSD's CRCO.

With the hire of a Civil Rights Specialist V (SR-24), to undertake the role as statewide ADA coordinator, this individual will be tasked to oversee compliance of PSD's correctional facilities with ADA. This will be in best interests of both PSD and DOJ, including the public interest, to fully and finally resolve all matters in the settlement agreement on mutually agreeable terms without resorting to protracted litigation.

Since March 13, 2019, Position Number 90905 has been temporarily staffed with reassigned staff under the supervision of the Civil Rights Specialist V (No. 40749). This was necessary to immediately initiate and maintain compliance with the PSD/DOJ settlement agreement.

4. Resource Requirements:

In accordance with Budget Execution Policies and Instructions, respectfully requesting approval to change classification series position variances, where the cost differences for each position would not exceed 20% above the authorized budgeted amounts, as follows:

- A. PSD 900 Civil Rights Specialist V (SR-24) position number 40749, Excluded BU-73 (FTE 1.0), \$67,044.00, variance to a New Class to be developed as PSD 900 Civil Rights Specialist VI (SR-26), Excluded BU-73 (FTE 1.0), not to exceed \$72,528.00 (or 20% above authorized budget). Effective date of March 16, 2019.
- B. Due to the variance of the Civil Rights Specialist V (SR-24) to Civil Rights Specialist VI (SR-26), the upgrade would include the upgrade of PSD 900 Office Assistant III (SR-8) position number 44167, Excluded BU-63 (FTE 1.0), \$30,240.00 to Secretary I (SR-12), Excluded BU-63 (FTE 1.0), not to exceed \$35,340.00 (or 20% above authorized budget).
- C. PSD 900 Civil Rights Specialist IV (SR-22) position number 37751, Excluded BU-73 (FTE 1.0), \$57,324.00, variance to a New Class to be developed as PSD 900 Civil Rights Specialist V (SR-24), Excluded BU-73 (FTE 1.0), not to exceed, \$64,476.00 (or 20% above authorized budget). Via PSD-PERS, formulation of the upward reallocation salary for position No. 37751 is to start at \$64,476.00
- D. PSD 900 Civil Rights Specialist IV (SR-22) position number 32050, Excluded BU-73 (FTE 1.0), \$55,092.00, variance to a New Class to be developed as PSD 900 Civil Rights Specialist V (SR-24), Excluded BU-73 (FTE 1.0), not to exceed, \$62,004.00 (or 20% above authorized budget). Vacant Position No. 32050 will begin at \$62,004.00 upon hire of new staff.

- E. The hiring of a new PSD 900 Civil Rights Specialist V (SR-24) is forthcoming. The tentative position number is 90905, Excluded BU-73 (FTE 1.0), with salary range between \$57,324.00 not to exceed \$57,324.00. This position was requested and granted by the Hawaii State Legislature. This new position (Psuedo No. 90905) will begin at \$57,324.00 upon hire of new staff.

5. Alternatives Considered:

As explained in No. 3 above, there are no alternatives, as PSD and DOJ entered into a settlement agreement. The DOJ and PSD agreed that it is in the parties' best interests, and DOJ believes that it is in the public interest, to fully and finally resolve this matter on mutually agreeable terms without resorting to protracted litigation.

6. Programmatic Impact:

With the Civil Rights Specialist (pseudo no. 90905) currently filled with temporary staff, has been beneficial to CRCO's delegated task to bring PSD's facilities in compliance in accordance with the PSD/DOJ settlement agreement. The impact of this immediate action has demonstrated beneficial in PSD's efforts to sustain progressive compliance with the settlement agreement; and consequently sparing the taxpayers of the State of Hawai'i from protracted litigation.

7. Budget Data and Draft Changes:

Attached for your review are the current and amended CRCO organizational charts; revised CRCO functional statement. The Cost Neutrality Assessment worksheet with CNA1, CNA2, and CNA3 will be provided electronically to Administrative Services Office (ASO). It was clarified by ASO and DPO that an internal approval process is only required so as long as each of the positions' variances do not exceed 20% above the authorized budgeted amounts.

8. Reviewers Addendum(s):

Your favorable approval of this request will be greatly appreciated. Should you need further information please contact me at (808) 587-1341 or email oscar.a.hernandez@hawaii.gov.

In Compliance with Department, B&F, DHRD Directives, and the Administrative Directive 19-02:



Teresita V. Fernandez
Business Management Officer

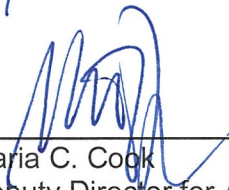
4/20/2020

Date

*see Mgmt Analyst
note dated 4/28/20*

RECOMMEND:

☒ APPROVED ☐ DISAPPROVED



Maria C. Cook
Deputy Director for Administration

5/6/2020

Date

☐ APPROVED ☐ ~~DISAPPROVED~~



Nolan P. Espinda
Director

5/7/2020

Date


Inter-Office
MEMORANDUM


DEPARTMENT OF PUBLIC SAFETY

No. 2019-785

Suspense: _____

April 28, 2020

TO: Tessie V. Fernandez, Business Management Officer 

FROM: Matthew E. Sutton, Management Analyst 

SUBJECT: FINAL APPROVAL REQUEST FOR ORGANIZATIONAL AND
FUNCTIONAL CHANGE: CIVIL RIGHTS COMPLIANCE OFFICE

1. The Civil Rights Compliance Office (CRCO) *Final Approval Request for Organizational Change* is in compliance with the Administrative Directive No. 19-02, *Policy and Procedures for Effecting Organizational and Functional Statement Changes*.
2. The CRCO proposal for organizational and functional change was reviewed by the Operating Budget Unit and the Personnel Management Office.
 - a. The Operating Budget Unit attached an addendum with discrepancies during the request to initiate. Those recommendations were corrected, as reflected in the attached Cost Neutrality Analysis
 - b. The Personnel Management Office, Staffing and Technical services Unit found no issue with the CRCO proposal.
 - c. The Personnel Management Office, Labor Relations Unit consulted with the American Federation of State, County, and Municipal Employees (AFSCME), and they raised no objections to the proposal. Addendum attached.
3. Recommend approval of the CRCO organizational and functional change proposal based upon the results of the final staff review.
4. Point of contact is Matthew E. Sutton at 587-3476, or email: matthew.e.sutton@hawaii.gov

Budget Office Reorg Recommendation

Final Approval Request for Organizational and Fictional Statement Change:

- Our office is good with this request but please make the following changes in the memo below.
 - Add a request to reallocate #90905V from a Civil Rights Specialist IV to a Civil Rights Specialist V.
 - Add how the request will be made cost neutral (see attached CNA Form 2 dated 4.6.2020).

Suspense: _____

March 5, 2020

TO: Nolan P. Espinda, Director

FROM: Oscar A. Hernandez, Civil Rights Compliance Officer



SUBJECT: REQUEST ADDITIONAL FUNDS FOR SALARY GAP TO CRCO
ORGANIZATIONAL CHANGE

Sir,

Upon ASO-O review of CRCO's submitted Request to Initiate Organizational Change, it was identified that CRCO will need additional funding to meet salary needs to the proposed CRCO position variances. ASO-O, indicated an annual need of \$31,800.00 of additional funding.

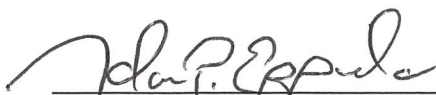
Your approval of this request will be greatly appreciated. Respectfully submitted.

☐

APPROVED

☐

~~DISAPPROVED~~



Nolan P. Espinda
Director


3/9/2020
Date

★ Forward PSD-PER review

4-1-2020



3/9/2020:

- Funding for the current FY2020 and SUP FY2021 will be taken from "Other Current Expenses" in PSD 900.
- Recurring salary increase for FY 2021-23 will be sought via the Budget Request process by CRCO. 

Budget Office Reorg Recommendation

Final Approval Request for Organizational and Fictional Statement Change:

- Our office has already worked with CRCO regarding the new changes to the attached memo (re-org request). The budget office recommends the following changes be made to the request:
 - Change the salary amounts to match the table below. The old memo is also attached.
 - Add a request to reallocate #90905V from a Civil Rights Specialist IV to a Civil Rights Specialist V.
 - State how the request will be made cost neutral (how will the program cover the \$31,800 salary shortfall, see table below for details).
- Attached are my changes to the Form CNA. Based on the revised Form CNA , the difference between the propose salary and current salary is less than 20% and the request will not need Governor's approval.

| Position No. | Current Authorized Position Title | Current Budgeted Salary | Proposed Authorized Position Title | Proposed Budgeted Salary | Difference (Current - Proposed budget salary) |
|--------------|-----------------------------------|-------------------------|------------------------------------|--------------------------|---|
| 40749 | Civil Rights Specialist V | \$67,044 | Civil Rights Specialist VI | \$72,528 | \$(5,484) |
| 44167 | Office Assistant III | \$30,240 | Secretary I | \$35,340 | \$(5,100) |
| 37751 | Civil Rights Specialist IV | \$57,324 | Civil Rights Specialist V | \$64,476 | \$(7,152) |
| 32050 | Civil Rights Specialist IV | \$55,092 | Civil Rights Specialist V | \$62,004 | \$(6,912) |
| 90905V | Civil Rights Specialist IV | \$57,324 | Civil Rights Specialist V | \$64,476 | \$(7,152) |
| | | | | Total | \$(31,800) |

Laulusa, Renee L

From: Liz Ho <lho@hgea.org>
Sent: Thursday, April 23, 2020 3:51 PM
To: Laulusa, Renee L
Cc: Hernandez, Oscar A; De Costa, Patrick J; Bronson Silva; Iris Chun
Subject: [EXTERNAL] RE: NEED YOUR ASSISTANCE
Attachments: DOC028.PDF; 3.20.19 HDPS Settlement Agreement w Attachments.pdf

Hi Renee,

Thank you for letting us know about this consultation/reorganization. I understand the urgency, since it's a DOJ decision.

I checked our records and Oscar is not a HGEA MCEC member. However, Rick is a member and called him on his cell phone but his mailbox isn't set up to receive messages. Since he is copied on this email, I'm going to assume he agrees with the reorg/reallocation. Therefore, we have no objections.

Thank you again for consulting with us.

Good luck and stay safe!

Liz

Liz Ho

Area Field Services Director
AFSCME Hawaii Area Office
888 Mililani Street, #101
Honolulu, HI 96813
808-543-0022 (office)
808-531-4073 (fax)
lho@hgea.org

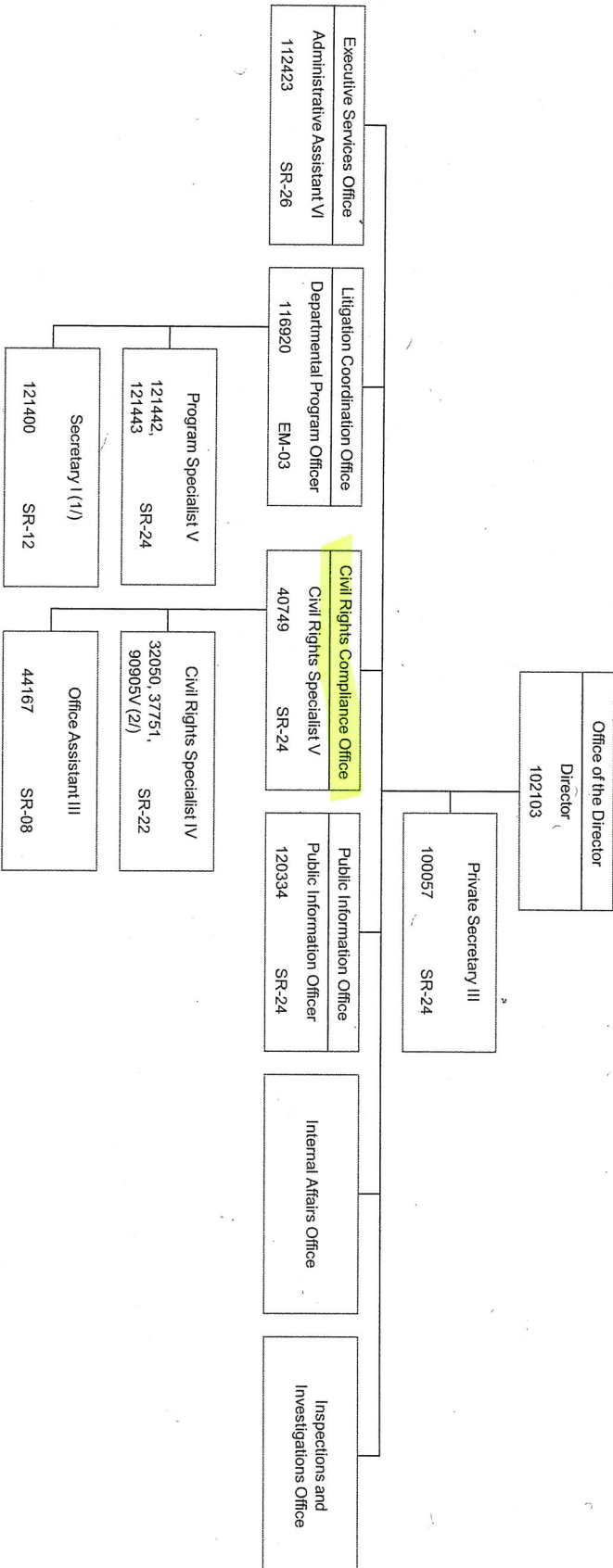


From: Laulusa, Renee L <Renee.L.Laulusa@hawaii.gov>
Sent: Thursday, April 23, 2020 11:52 AM
To: Liz Ho <lho@hgea.org>; Bronson Silva <bsilva@hgea.org>
Cc: Hernandez, Oscar A <oscar.a.hernandez@hawaii.gov>; De Costa, Patrick J <patrick.j.decosta@hawaii.gov>
Subject: NEED YOUR ASSISTANCE
Importance: High

Our Civil Rights Office is reallocating 2 current employees as part of a reorganization of the office. I know HGEA has expressed that all consultations be held in abeyance, however, we need to get this done b/c there is an DOJ settlement that we need to abide by; we also need to fill the following vacancies associated with the reorganization (see page 5, starting at #15): There are 3 vacant positions-Office Assistant reallocated to Secretary I, Civil Rights Specialist IV to Civil

APPROVED
SEP 04 2019

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
POSITION ORGANIZATION CHART
June 30, 2019
Page 3



1/ Redescribed to Secretary I, SR-12, effective 6.1.2018, but action not taken until January 2019. As of 6.19.2019, HR waiting on DHRD approval.
2/ Act 5, SLH 2019 created Civil Rights Specialist, position #90905V, effective July 1, 2019.

DIRECTOR
DEPARTMENT OF PUBLIC SAFETY

Office of the Director
Director
102103

Civil Rights Compliance Office
Civil Rights Specialist VI
40749 SR-26

Secretary I
44167 SR-12

Civil Rights Specialist V
32050 SR-24

Civil Rights Specialist V
37751 SR-24

Civil Rights Specialist V
90905 SR-24

DATE APPROVED

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE DIRECTOR

CIVIL RIGHTS COMPLIANCE OFFICE (CRCO) FUNCTIONAL STATEMENT (AMENDED August 29, 2019)

Under the general direction of the Director, the CRCO advises departmental management, supervisors, and employees on compliance with civil rights and related laws; develops and updates the departmental affirmative action plan, oversees the implementation of the plans and language access plan.

1. Maintains expertise regarding unlawful harassment, equal employment opportunity, external contract compliance, and affirmative action through knowledge of statutes, statutory changes, judicial rulings, and Federal and State rules, regulations, and directives.
2. Monitors, reviews, and evaluates the Department of Public Safety's compliance with the Language Access Law, Americans with Disabilities Act, Title VI and VII of the Civil Rights Act, HRS 368 and 378 and other federal, and other federal and state civil rights laws.
3. Monitors, reviews, and evaluates the Department of Public Safety's Correctional facilities' compliance with the American's with Disabilities (ADA), Title II of the ADA, and Section 504 of the Rehabilitation Act.
4. Acts as a liaison to provide information and technical assistance to program managers, administrators, and others on matters relating to civil rights programs.
5. Investigates, evaluates, and conciliates civil rights complaints from employees, applicants, and the general public.
6. Reviews, evaluates, and recommends changes to internal employment policies, practices, and training opportunities to assure compliance with State and Federal civil rights laws and regulations.
7. Promotes departmental civil rights compliance through the regular and systematic dissemination of information throughout the department, training programs, advisory services, and data collection and analysis; assists departmental staff with relevant projects.
8. Maintains case files, statistics, and other program materials, and prepares required reports.
9. Prepares budget justifications and operational expenditure plans.

Checklist for Organization and Functional Statement Changes

This checklist will assist stakeholders in navigating the reorganization process and must remain with both the Request to Initiate and the Final Approval request proposals. The following actions shall be completed and initialed by the designated reviewer(s) in sequence:

Request to Initiate: When appropriate, reviewer remarks are made by inserting an addendum page detailing comments and concerns.

1. MB Review request for format and completeness. (Management Analyst)
2. J Provide comments with addendum page. (Operating Budget)
3. J Provide comments with addendum page. (HRO Classification Only)
4. J Review remarks and prepare recommendations for BMO review. (MA)
5. MB After the Director's decision, return the proposal to the Management Analyst. A file copy is made and the original returned to the initiating program. (MA)

Final Approval Request: When appropriate, the reviewers will attach a narrative analysis within the proposal as an addendum page.

- 3.2.20
- 3.2.20
1. MB Review proposal for format and completeness. (Management Analyst)
 2. MB Determine if a Division level organizational segment is being created, abolished, or being changed. If so, indicate on the addendum page or cover sheet that the governor's approval is necessary. (MA)
 3. (See my attachment 3.3.2024) (RW 4.6.2024) Are the changes cost neutral at the program I.D. level? If not, indicate if the governor's approval is necessary on an addendum page. (Operating Budget)
 4. (See my attachment 3.3.2024) (RW 4.6.2024) Are alternative funding resources available within the scope of the programs authority to execute the reorganization? (Operating Budget)
 5. RW Return to the Management Analyst for review. Determine if position variances will need to be approved by the director or the governor, under Administration Directive 18-03 and Administrative Directive 19-02. If the change proposal requires Governors' approval, consider providing an advance draft to B&F/DHRD for consultation. (Operating Budget & MA)
 6. RW 4/20/20 Are changes in classification reflected in the proposed reorganization consistent with state-wide classification policies and procedures established by DHRD? (HRO Classification)

*Note: Labor Relations questions 7, 8, and 9 only apply if HRO determines Labor Relations consultation is necessary. If the request requires the governor's approval, Labor Relations determination will take place **after** the proposal returns from the Governor's Office. If this proposal requires the governor's approval, skip to the bottom of the checklist to "Governor's Approval (Non-Delegated)."*

- 3/28
7. _____ Will the personnel filling any affected employee positions be affected by the proposed organizational or functional statement change requiring union consultation? (Program coordination with HRO Labor Relations)
8. _____ Has consultation taken place about the proposed reorganization, and has the proposed change been disseminated within the affected organizational units to include impacted employees? These discussions must be documented and a summary attached as an addendum to the final proposal (Program coordination with HRO Labor Relations)
9. _____ Consultation occurred with the Collective Bargaining (CB) representatives and has union input been considered for the Request for Final approval. If appropriate, the initiating program may consider revisions to the proposal based on the results of the consultation. (HRO Labor Relations)
- 4/28
10. MA Is the proposed organizational *structure* appropriate for the organizational functions to be performed consistent with Administrative Directive 19-02? (MA)
11. MA Are supervisory relationships accurately reflected and appropriate for the performance of functions and consistent with Administrative Directive 19-02? (MA)
12. MA Review remarks and prepare recommendations for BMO review (MA)
- 5/1/20
13. MA After the Director's decision on a delegated organizational and functional statement change, please return the signed proposal to the Management Analyst. (Director's Office)
14. Copies of the changes shall be electronically disseminated to the Office of the Governor, Office of the Lt. Governor, B&F, and DHRD. (MA)
15. MA Return the final approved request to the initiating program and apply changes to the organizational charts and the functional statements on file. (MA)

Governor's Approval (Non-Delegated):

(Continued from Request for Final approval)

7. _____ Receive feedback from DHRD and B&F after draft review. (MA)